



PATROL GUIDE

Section: Court and Agency Appearances		Procedure No: 211-05	
PROCESSING NOTIFICATIONS TO APPEAR AT COURTS AND OTHER GOVERNMENT AGENCIES			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 8

PURPOSE

To effectively monitor and control, via a formal notification process, appearances by members of the service (uniformed and civilian) at various courts, CCRB, other government agencies and for District Attorney's assignments. In addition, this procedure takes into account the different command structures within the Department and requires commanding officers to incorporate this procedure into the circumstances of his/her command, ensuring compliance with the notification process.

SCOPE

With the establishment of the computerized Court Appearance Control System (CACS), the Appearance Control Unit's responsibilities were re-defined in order to more effectively monitor and control the appearance process. Appearance Control Unit functions include:

- a. Processing requests and making notifications for members of the service to appear in court or other governmental agencies. (Appearance Control Unit will only make notifications for commands that have not yet been enabled in the CACS)
- b. Maintaining a liaison between this Department, the District Attorney's Office and other related agencies
- c. Mediating and resolving conflicting court appearances
- d. Maintaining required records and statistical data.

DEFINITIONS

DISTRICT ATTORNEY'S ASSIGNMENT – Any assignment, including field assignments, requested by the District Attorney's Office for the purpose of case or trial preparation.

ENABLED COMMAND – Commands with access to the computerized Court Appearance Control System (CACS).

NON-ENABLED COMMAND – Commands that receive their notifications through the Appearance Control Unit/Borough Court Section concerned.

DESIGNATED SUPERVISOR – Supervisor assigned by the commanding officer to ensure notifications are distributed and accounted for.

ROLL CALL CLERK/DESIGNATED MEMBER – Member assigned by the commanding officer to process notifications received from Appearance Control Unit or CACS.

PROCEDURE

When a notification is received at the requested member's command from the Appearance Control Unit, or the CACS for commands enabled in this system, or by subpoena, or as the result of a verbal instruction given by a Judge, Assistant District Attorney, or Corporation Counsel member to appear at a Grand Jury, Court (Supreme, Civil, Criminal, or Family), for trial preparation, a government agency, or for a District Attorney's assignment:

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
211-05	08/01/13		2 of 8

- APPEARANCE CONTROL UNIT**
1. Notify member's command of scheduled appearance.
 - a. Enter all appearances in CACS even if the command is not enabled in CACS. This includes administrative appearances and appearances at smaller courts, such as ECB, SLA, etc.

NOTE *A telephone notification for members of the service to appear will not be accepted at any command unless received from the Appearance Control Unit, or if closed, the Borough Court Section concerned. Notifications are made in this manner for commands that are not yet enabled in the CACS.*

- ASSISTANT DISTRICT ATTORNEY**
2. Notify member's command via the CACS or Appearance Control Unit.
- ROLL CALL CLERK/ DESIGNATED MEMBER**
3. Immediately notify the requesting agency and the Appearance Control Unit, if a member is unable to appear for a scheduled appearance.
 - a. Cancellation will be accepted only if member is:
 - (1) Sick, after conferral with district surgeon reveals member is incapable to appear
 - (2) On annual vacation selection
 - (3) On military leave
 - (4) On bereavement leave
 - (5) On terminal leave and/or other paid leave contiguous with terminal leave (e.g., vacation, lost time, chart day). Appearance Control Unit authorized appearances for uniformed members while on terminal leave will be compensated as per the appropriate overtime rate.
 4. Make entry in Command Diary if the appearance notification was not received via the CACS.
 5. Promptly notify the roll call clerk/designated member in member's new command:
 - a. When receiving a notification for a member that has been transferred, or
 - b. Re-route electronically if notification was received via the CACS.
 6. Utilize the printed CACS notification or prepare a separate **NOTIFICATION (PD406-122)** slip for each court appearance received via CACS, Appearance Control Unit, Borough Court Section concerned, subpoena, or verbal instructions from a Judge, Assistant District Attorney, or a Corporation Counsel member, etc.
 7. Prepare **NOTIFICATION RECAP(S) (PD168-122)**, ensure that the following captions are completed:
 - a. Column "A" and Column "B"
 - b. "Roll Call Clerk/Designated Member (Rank/Title, Name)", "Tax No.", "Command"
 - c. "Date", "Page_of_", "Platoon/Tour."
 8. Attach **NOTIFICATION(S)** to **NOTIFICATION RECAP(S)** and submit to desk officer/designated supervisor for distribution.
 - a. Retain one copy of the **NOTIFICATION RECAP** at roll call.

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
211-05	08/01/13		3 of 8

NOTE

*One copy of the **NOTIFICATION RECAP** must be retained at the roll call office. This will enable roll call staff to determine what notifications are outstanding and will assist command staff to ensure compliance with notifications.*

**DESK
OFFICER/
DESIGNATED
SUPERVISOR**

9. Prepare the following captions on **NOTIFICATION RECAP**:
 - a. "Desk Officer/Designated Supervisor (Rank/Title Name)", "Tax No.", "Command."
10. Distribute **NOTIFICATION(S)** and attach the following to **NOTIFICATION RECAP**:
 - a. Appropriate copy of **NOTIFICATION(S)** served
 - b. **NOTIFICATION(S)** that were unable to be served.
11. Verify distribution of **NOTIFICATION(S)** by completing the following captions on **NOTIFICATION RECAP**:
 - a. Columns "C" and "D"
 - b. "Verified by Desk Officer/Designated Supervisor (Rank/Title, Signature)", "Tax No.", "Command."
12. Forward **NOTIFICATION RECAP** with **NOTIFICATION(S)** to Roll Call/designated member.

**ROLL CALL
CLERK/
DESIGNATED
MEMBER**

13. Review **NOTIFICATION RECAP(S)** and ensure that all **NOTIFICATION(S)** are accounted for.
 - a. Notify Appearance Control and update CACS as required and make appropriate entries in Column "E" of **NOTIFICATION RECAP(S)** as necessary.
14. Retain "Roll Call File" copy of **NOTIFICATION RECAP** and distribute remaining copies as delineated on form to the integrity control officer and operations coordinator.

**OPERATIONS
COORDINATOR/
DESIGNATED
SUPERVISOR**

15. Review appropriate copy of **NOTIFICATION RECAP(S)**, ensure that all members of the service are notified of their court and/or other governmental agency appearances and file.
16. Ensure that the roll call clerk/designated member promptly:
 - a. Notifies Appearance Control regarding notifications(s) that require cancellation OR
 - b. Enters the appropriate notification dispositions into the CACS for notifications received via that system.

NOTE

This action will enable an Assistant District Attorney to know which requested members of the service will actually appear in court and/or the reason(s) why they will not.

17. Direct that the roll call clerk/designated member inform the Appearance Control Unit and update the CACS accordingly for notifications received via that system, when the status of a notification disposition changes (i.e., member was notified to appear, but is now on sick leave).
 - a. The requesting agency will also be notified.

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
211-05	08/01/13		4 of 8

INTEGRITY CONTROL OFFICER 18. Review appropriate copy of **NOTIFICATION RECAP(S)** for accuracy, completeness, compliance and file.

MEMBER OF THE SERVICE 19. Sign and promptly return copy portion of **NOTIFICATION** to desk officer/designated supervisor/roll call clerk/designated member.
20. Comply with instructions received from desk officer/designated supervisor/roll call clerk/designated member.

ON DATE OF COURT APPEARANCE

MEMBER OF THE SERVICE 21. Perform duty with second platoon.
22. Muster in command in uniform or as otherwise authorized by the commanding officer.
23. Bring all necessary arrest documents to each court appearance (i.e., **ACTIVITY LOG (PD112-145)** entries, arrest forms, requested evidence, etc.).

NOTE *Members of the service should understand that the release of documents is governed by P.G. 211-15, "Processing Subpoenas for Police Department Records and for Testimony by Members of the Service." Under no circumstances will records be forwarded to an attorney (other than an Assistant District Attorney or Assistant Corporation Counsel) without prior consultation with the Document Production Unit.*

- 24. Report to Police Sign-In Room at the specific time stated on appearance notification.
- 25. Comply with provisions of Department Manual pertaining to court appearances, as appropriate.
- 26. Contact the desk officer at least one hour prior to completion of tour if required to continue assignment beyond normal end of tour.
- 27. Notify desk officer if not interviewed within two hours after arrival at the District Attorney's Office for trial preparation.

NOTE *When notified as per step "26" or "27", the desk officer will confer with the assigned Assistant District Attorney or Assistant District Attorney's Supervisor to determine if the member's services are required or if the member should return to command.*

CONFLICTING COURT APPEARANCES AND NOTIFICATIONS FROM AUTHORITIES OTHER THAN THE APPEARANCE CONTROL UNIT OR CACS

MEMBER OF THE SERVICE 28. Notify desk officer/designated supervisor/roll call clerk/designated member if instructed to appear at court, District Attorney's office or other government agency and:
a. In receipt of a subpoena or
b. Verbal instructions for appearance have been received from a Judge, Assistant District Attorney, or Corporation Counsel member or
c. There are conflicting appearances for the same day.

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
211-05	08/01/13		5 of 8

**DESK
OFFICER/
DESIGNATED
SUPERVISOR/
ROLL CALL
CLERK/
DESIGNATED
MEMBER**

29. Immediately notify the Appearance Control Unit when informed of any of the above situations as per step “28”, and
 - a. Prepare **NOTIFICATION** and document on **NOTIFICATION RECAP**.
 - b. Direct member of the service to appear in court as per the subpoena or verbal instructions.
 - c. Direct member to sign and promptly return **NOTIFICATION**.

NOTE

The Appearance Control Unit will mediate all conflicting court appearances and inform the command of the results.

SHORT DATE NOTIFICATION**NOTE**

A “short date notification” is a notification for a member of the service to appear the next day, or a notification delivered on a Friday for a member to appear on the following Monday. Because these notifications are time sensitive, and may be received at an hour when the roll call office is closed, CACS has been designed to automatically transmit these notifications to the command’s FINEST or LAN printer.

**DESK
OFFICER/
DESIGNATED
SUPERVISOR**

30. Monitor the FINEST or LAN printer for “short date notifications.”
31. Inspect Telephone Record for “short date notifications.”
32. Attempt to immediately notify member of the service.
33. Inform roll call clerk/designated member immediately, if available, or on the next business day, of completed and/or incomplete “short date notifications” and provide appropriate copies of the notifications.
 - a. Direct roll call clerk/designated member to account for “short date notifications,” whether completed or not, on **NOTIFICATION RECAP**.
34. Give incomplete “short date notifications” to the relieving supervisor, or if available, to roll call clerk/designated member who will continue to attempt to notify the member of the service.

DISTRICT ATTORNEY’S FIELD ASSIGNMENT**MEMBER OF
THE SERVICE**

35. Obtain prior permission from commanding officer/designee if field assignment is to commence at a location other than command, District Attorney’s Office or court.
36. Notify desk officer/designated supervisor when reporting for a District Attorney’s field assignment.

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
211-05	08/01/13		6 of 8

TEMPORARY ASSIGNMENT TO DISTRICT ATTORNEY'S OFFICE**MEMBER OF
THE SERVICE**

37. Process request through appropriate Appearance Control Unit.
 - a. Such assignments will not exceed five days
 - b. Requests for temporary assignment of more than thirty days will be processed as per A.G. 320-07, "Temporary Assignments."
38. Forward requests for extension of such assignment and/or requests for temporary assignments of six to thirty days to commanding officer of member concerned.

**COMMANDING
OFFICER,
MEMBER
CONCERNED**

39. Review request and endorse to Chief of Department (through channels) for final determination.

NOTE

A request for extension of a temporary assignment will be reviewed and endorsed by the commanding officer, member concerned. Any further extension will be reviewed by the commanding officer, member concerned, and endorsed with recommendations (through channels) to the Chief of Department for final determination. Uniformed members of the service will not accept a verbal extension of a temporary assignment from an Assistant District Attorney, unless there is an ongoing trial and appearance is for the next day. In that case, the uniformed member of the service will contact his/her commanding officer, who in turn will notify the Appearance Control Unit. The Assistant District Attorney will be advised to request an extension through the CACS, Appearance Control Unit, or if closed, the Borough Court Section.

**ADDITIONAL
DATA**

*A member of the service who must appear in court on a scheduled day off, for an adjourned case, will be assigned to a 0900 x 1700 tour, or as otherwise appropriate for attendance at court. A member of the service who must appear in court on a scheduled day off may be excused from remainder of tour, needs of the service permitting. If excused, the member will enter "Requested Excusal" on the **OVERTIME REPORT (PD138-064)** submitted.*

A member of the service who becomes unavailable due to a conflicting court appearance, sick leave, or other condition such as new arrest, change in assignment or duty chart, will notify the roll call clerk, designated member, sick desk supervisor, or desk officer. The desk officer/designated supervisor or roll call clerk/designated member will notify the Appearance Control Unit of the member's unavailability by telephone prior to scheduled appearance. The CACS will be updated accordingly. The requesting agency will also be notified.

Uniformed members of the service who are normally assigned to the Fourth Platoon (1800 X 0200 hours) that are subpoenaed, directed by Appearance Control Unit, the CACS or notified by other competent authority, to attend any court, official agency hearing or training session the following day (Second Platoon), will be notified in advance and reassigned to perform duty with the Third Platoon (1600 X 2400 hours).

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
211-05	08/01/13		7 of 8

**ADDITIONAL
DATA**
(continued)

Those uniformed members of the service who are **not** notified in advance or who are already performing duty with the Fourth Platoon at the time they receive a notification to attend any court, official agency or training session the following day on the Second Platoon, will be excused from duty, under normal circumstances, at 2400 hours. If the member concerned effects an arrest and the related paperwork is **not** completed by 2400 hours **or** the member concerned is in the process of performing a police function beyond 2400 hours, that member is **not** entitled to be dismissed until all of the police related functions are complete. If the uniformed member of the service continues to work beyond 0200 hours, the member will be entitled to receive appropriate overtime compensation in the normal manner. (The excused member is **not** entitled to receive any overtime compensation for the time period 2400 to 0200 hours.). Desk officer will make appropriate notations in the Command Log, and on the roll call and sign out sheet for those uniformed members of the service who are dismissed at 2400 hours.

In all cases where an appearance notification falls on a member's regular day off, only that member's commanding officer or designee will be permitted to cancel this notification after personally conferring with and receiving the concurrence of the person who requested the appearance, (i.e. judge, assistant district attorney, assistant corporation counsel member, or their supervisor). This includes all court subpoena and verbal instruction cases. Every effort should be made, with a few rare exceptions, in (RDO) trial preparation and (RDO) Grand Jury appearance cases, and the defendant is no longer in custody, to cancel the notification with the verbal concurrence of the assigned assistant district attorney.

A service by telephone message attempting to cancel the notification on the authorizing person's voice mail, or a request for a return phone call to have a follow up conversation on this matter, does not relieve the command from the responsibility of having this member report to court or other governmental agency as scheduled.

If the requesting agency (e.g. assistant district attorney, assistant corporation counsel), does not concur with the requested cancellation, the member concerned must appear as scheduled.

If the requesting agency concurs with the cancellation, the commanding officer or designee will then notify the Appearance Control Unit for all notifications received from that Unit, including subpoenas and verbal cases that were not initially received from that Unit, or request the assistant district attorney or their supervisor to enter this cancellation data into the CACS for all notification cases received via that computerized system. In addition, in all agreed upon cancellation cases, the member of the service who conferred with the requesting agency will have a telephone message entry made, indicating the details of the canceled notifications.

A Special Narcotics Appearance Control Unit is located in Queen's Special Narcotics Courts. In addition to tasks listed in this procedure, the Special Narcotics Appearance Control Unit will also place uniformed members of the service on telephone alert when requested by the Special Narcotics Assistant District Attorney.

CACS passwords are issued by the Criminal Justice Bureau, not MISD. Requests for passwords should be sent on **Typed Letterhead** to the Criminal Justice Bureau at One Police Plaza, Room 204. The request should include command code, tax number, as well as, full name and a contact name and phone number.

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
211-05	08/01/13		8 of 8

RELATED*Duties and Conduct in Court (P.G. 211-01)***PROCEDURES***Prevention of Court Appearance on Scheduled Day Off (P.G. 211-07)**Criminal/Civil Court - Telephone Alert System (P.G. 211-06)**Processing Subpoenas for Police Department Records and for Testimony by Members of the Service (P.G. 211-15)**Reporting Sick (P.G. 205-01)**First And Third Platoon Arrests (P.G. 208-25)***FORMS AND
REPORTS*****OVERTIME REPORT (PD138-064)******ACTIVITY LOG (PD112-145)******NOTIFICATION (PD406-122)******NOTIFICATION RECAP (PD168-122)***